

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**FILED**

**JUN 12 2017**

**KATE BARKMAN, Clerk**  
By                      **Dep. Clerk**

TROY LAMONT MOORE, JR.

Plaintiff

Civil Action Number 14-3873

v.

CORRECTIONS OFFICER Saajida Walton

Defendant

MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, plaintiff as Counsel of Record hereby move the Court for summary judgment. Which is for plaintiff's claim of Conditions of Confinement on grounds that there is a genuine issue of material fact in dispute and Moore is entitled to judgment as a matter of law. The United States Supreme Court has dealt with inmates conditions of confinement in a number of cases. These cases that will be cited establish that for convicted inmates, the Cruel and Unusual Punishment Clause of the Eighth Amendment imposes a duty on prison officials to provide "humane conditions of confinement."

A brief in support of this motion with a statement of disputed material facts and supporting documents will be filed contemporaneously with this motion.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, JR.,  
Plaintiff

: Civil Action Number 14-3873

v.  
CORRECTIONS OFFICERS SaaJida Walton  
Defendant

**FILED**

JUN 12 2017

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

RELIEF OF SOUGHT

WHEREFORE, Plaintiff, Troy L. Moore seeks for relief against Defendant Corrections Officer SaaJida Walton in Compensatory Damages in the amount of \$200,000 & Punitive Damages in the amount of \$300,000.

CERTIFICATE OF SERVICE

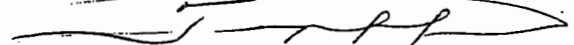
I, Troy L. Moore, hereby certify that on 06-07-17 caused to be served a true and correct copy of the foregoing document titled Motion for Judgment to the following:

VIA U.S. MAIL:

Defendants Attorney Below...

BROCK ATKINS  
DIVISIONAL DEPUTY CITY SOLICITOR  
CITY OF PHILADELPHIA LAW DEPT.  
1515 ARCH STREET 14TH FLOOR  
PHILA, PA. 19102-1595

RESPECTFULLY SUBMITTED,



Troy L. Moore  
##### MX-9664  
SCI-Forest 945  
P.O. Box 945  
Marienville, Pa 16239

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, SR.,

:

Plaintiff

:

Civil Action Number 14-3873

v.

CORRECTIONAL OFFICER Saajida Walton

Defendant

STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed.R.Civ.P. Rule 56 (C)(1)(A)(B), Plaintiff Troy Moore as Counsel of Record as pro-se submits the following statement of undisputed material facts for purposes of summary judgment only:

1. On September 11, 2013, plaintiff Moore was incarcerated at Industrial Correctional Center, 8301 State Road, Philadelphia, Pa 19136. At approximately 2315 hours, the toilet violently over flowed every 20 minutes through out the night with feces and urine. After experiencing shortness of breath & chest pains along with vomiting. Plaintiff reported it to corrections officer S. Walton who ignored his request to remove him out of cell 18 and requested medical attention. After being covered in and subjected to breathing raw sewage in access of 8 hours. Plaintiff was permitted to go to medical where he informed Rn. Mogrogan of chest pain. Plaintiff pulse was taken and he was ordered back to the unit to go in cell 18. See, Documents<sup>1</sup> of maintenance repair reports by Mr. Lewis for plaintiff's assigned cell 18. See, N.T. Deposition<sup>2</sup> of plaintiff's testimony taken by defendants on Febraury 2, 2015 at 15-25 & declaration<sup>3</sup> by plaintiff.

Additionally, summary judgment will be precluded only, once the dispute about a material fact is, "geniune" that is, once the evidence is such that a reasonable jury would return a verdict for the nonmoving party. Id. See, Scicluna v. Well, 345 F.3d 441, 445 (6th Cir, 2003).

1. Plaintiff attached as evidence Exhibit 1, Exhibit 2 & Exhibit 3 to support undisputed material facts.
2. Plaintiff attached as evidence Exhibit 2 of deposition to support undisputed material facts.
3. Plaintiff attached as evidence Exhibit 3 of his delcaration to support undisputed material facts for a jury to decide.

Moore V. Saajida Walton -CV- 14-3873

STATEMENT OF UNDISPUTED MATERIAL FACTS FOR A JURY TO DECIDE.

There is a genuine issue of undisputed material facts in the constitutional violation caused to plaintiff by defendant S. Walton. Which was by not removing plaintiff Moore from assigned cell 18 on "G" unit being exposed to feces & urine for in access of 8 hours. Atfer experiencing shortness of breath & chest pain along with vomiting.and full body rash.

A[n individual government] defendant in a civil rights action must have personal involvement as like defendant S. Walton in the alleged wrongdoing. Which was for failing to removed plaintiff Moore from cell 18 as requested. Liability can be predicated on S. Walton personal involvement of plaintiff being exposed to feces & urine causing shortness of breath along with chest pains and vomiting. The Third Circuit has held that civil rights complaint is adequate where it states the conduct, time, place & person responsilbe as like S. Walton. See, Rode v. Dellarciprete, 845 F.2d 1195, 1207 (3d Cir. 1988). See, Evancho v. Fisher, 845 F.3d 347, 353 (3d Cir. 2005).

**FILED**

**JUN 12 2017**

SOUGHT OF RELIEF

WHEREFORE, Plaintiff seeks relief against Defendant Corrections Officer S. Walton in Compensatory Damages in the of \$200,000 & Punitive Damages in the amount of \$300,000.

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

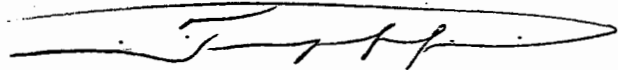
CERTIFICATE OF SERVICE

I, Troy Moore, hereby certfiy that on 06-07-17 , I caused to be served a true and correct copy of the foregoing document titled Statement of Undisputed Material Facts in Support Documents, Deposition & Declaration for Motion for Summary Judgment to the following:

RESPECTFULLY SUBMITTED,

Defendant Attorney :

BROCK ATKINS  
DIVISIONAL DEPUTY CITY SOLICITOR  
CITY OF PHILADELPHIA LAW DEPT.  
1515 ARCH STREET 14TH FLOOR  
PHILA, PA. 19102-1595



Troy Moore  
~~##F#2#8#~~ MX-9664  
SCI-Forest  
P.O. BOX 945  
MARIENVILLE, PA 16239

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, JR.,

:

Plaintiff

: Civil Action Number 14-3873

v.

CORRECTIONS OFFICER Saaajida Walton

Defendant

BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Plaintiff. Troy Moore filed a lawsuit against Correctional Officer S. Walton for violating his Constitutional Rights under the Eighth Amendment. Which is for plaintiff's Claim of "Conditions of Confinement" on grounds that there is a genuine issue of material fact in dispute. And Moore is entitled to judgment as matter of law The United States Supreme Court has dealt with inmates conditions of confinement in a number of cases. These cases that will be cited established that for convicted inmates, the "Cruel and Unusual Punishment Clause" of the Eighth Amendment imposes a duty on prison officials to provide humane conditions of confinement.

ARGUMENT & FACTS:

A.

Pursuant to Fed.R.Civ.P. Rule 56 (c)(1)(A)(B), plaintiff submits the following statement of undisputed material facts for purposes of summary judgment only:

On September 16, 2013, plaintiff Moore was incarcerated at Industrial Correctional Center. 8301 State Road. Philadelphia, Pa 19136. At approximately 2315 hours, the toilet violently flowed every 20 minutes through out the night with feces and urine. After experiencing shortness of breath & chest pains along with vomiting. Plaintiff reported it to defendant S. Walton who ignored his request to remove him out of cell 18 and requested medical attention. After being covered in and subjected to breathing raw sewage in excess of 8 hours. Plaintiff permitted to go to medical where he informed Rn. Mogrogon of chest pain. Plaintiff pulse was taken and he was ordered back to cell 18. See, Documents<sup>1</sup> of maintenance repair reports by Mr. Lewis of plaintiff's assigned cell 18. See, N.T. Deposition<sup>2</sup> of plaintiff's taken by defendants on February 2, 2015 at 15-25 & declaration by plaintiff.

1. Plaintiff attached as evidence Exhibit 1, Exhibit 2 & Exhibit 3 to support undisputed material facts.
2. Plaintiff attached as evidence Exhibit 2 of deposition to support undisputed material facts.
3. Plaintiff attached as evidence Exhibit 3 of his declaration to support undisputed material facts for a jury to decide.

Moore V. Saajida Walton

-cv-14-3873

## B. STATEMENT OF UNDISPUTED MATERIAL FACTS FOR A JURY TO DECIDE

There is a genuine issue of undisputed material facts in the constitutional violation caused to plaintiff by defendant S. Walton. Plaintiff will call his witness a staff named Mr. Kohenklien<sup>1</sup>, a maintenance person that fixed plaintiff's assigned cell 18 on 9/17/2013 to testify before a jury about the flood in cell 18 of feces & urine. The witness Kohenklien will also testify about the fact that plaintiff washed down cell 18 with bleach & floors being washed & dried. Plaintiff's statement of undisputed material facts is for a jury to decide. Plaintiff will obtain subpoenas for his witnesses to testify. See, Scicluna v. Wells, 345 F.3d 441, 445 (6th Cir. 2003)

Summary judgment is appropriate "where the pleadings, depositions, answers to interrogatories, admissions and affidavits show there is genuine issue of material fact and the non-moving party is entitled to judgment as a matter of law.

Summary Judgment will be considered once the dispute about a material fact is "genuine" once the evidence is such that a reasonable jury would return a verdict for the nonmoving party. See, Wilson v. Williams, 997 F.2d 348, 350-51 (7th Cir. 1993). See, Jones v. Blanas, 393 F.3d 918, 923 (9th Cir. 2004).

As to factual dispute that are relevant or necessary that must go forward for summary judgment for a jury to decide. Plaintiff as a pro-se litigant has shown as evidence of his testimony at deposition and declaration<sup>2</sup> along with documents<sup>3</sup> showing that there is a genuine issue of material facts for a trial for a jury to decide. See, Fed.Rules.Civ.P, Rule 56 (c)(1)(A)(B) & Fed. Rules. Civ.P. rule 56 (e). See, Jones v. Blanas, 393 F.3d (9th Cir. 2004)(holding that here plaintiff is pro-se, the Court must consider as evidence in his opposition to summary judgment all of [plaintiff's] contentions offered in his motion & pleadings. Where such contentions are based on personal knowledge and set forth that would be admissible in evidence. And where [plaintiff] attested under penalty of perjury that contents of the motion or pleadings are true and correct.

1. Plaintiff attached as evidence Exhibit 2 to support undisputed material facts.
2. Plaintiff attached as evidence Exhibit 3 of his declaration to support undisputed facts for a jury to decide.
3. Plaintiff attached as evidence deposition of plaintiff dated February 2, 2015 taken by defendants.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
Civil Action Number 14-3873

A[n individual government] defendant in a civil action rights action must have personal involvement as like defendant S. Walton in the alleged wrongdoing. Which was on September 16 2013 at approximately 2315 hours. The plaintiff Moore assigned cell 18 toilet violently flowed every 20 minutes through out the night with feces and urine on the floor. After experiencing shortness of breath & chest pains along with vomiting. Plaintiff reported it to defendant S. Walton a female correctional officer who ignored his request to remove him from cell 18 and requested medical attention. Liability can be predicated on defendant S. Walton's personal involvement. See, Rode v. Dellarciprete, 845 F.2d 1195, 1207 (3d cir. 1988). The Third Circuit has held that civil rights complaint is adequate where it states the conduct, time, place and person responsible as Walton. See, Evancho v. Fisher, F.3d 347, 353 (3d cir. 2005).

SOUGHT OF RELIEF

I, WHEREFORE, Plaintiff, Troy L. Moore, seeks for relief against Defendant Saajida Walton Correctional Officer in Compensatory Damages in the amount of \$ 200,000 & Punitive Damages in the amount of \$300,000. Plaintiff is willing to settle his claim for \$50,000.

CERTIFICATE OF SERVICE

I, Troy L. Moore, hereby certify that on 06-07-17, I caused to be served a true and correct copy Brief to support his Motion for Summary Judgment to the following:

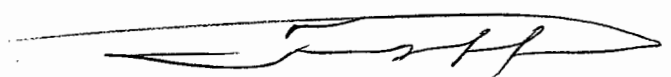
VIA U. S. MAIL:

Defendant Attorney below:  
SUBMITTED,

BROCK ATKINS  
DIVISIONAL DEPUTY CITY SOLICITOR  
CITY OF PHILADELPHIA LAW DEPT.  
1515 ARCH STREET 14TH FLOOR  
PHILA, PA. 19102-1595

16239

RESPECTFULLY



Troy L. Moore  
~~THE #2#8#~~ MX-9664  
SCI-Forest  
P.O. Box 945  
Marienville, Pa

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, JR.,

: Civil Action No. 14-3873

Plaintiff

v.

CORRECTIONS OFFICER Saajida Walton

Defendant

EXHIBITS IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Documents as.....Exhibit 1

Documents as.....Exhibit 2

Documents as.....Exhibit 3

Plaintiff's Deposition as.....Exhibit 3

Plaintiff's Declaration as.....Exhibit 2

SUBMITTED,

RESPECTFULLY

  
Troy Moore

~~###~~ MX-9664

SCI-Forest

P.O. Box 945

Marienville, Pa

16239



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE,

Plaintiff

Civil Action Number 14-3873

v.

CORRECTIONS OFFICER Saajida Walton

Defendant

ORDER

AND NOW, \_\_\_\_\_, DAY OF \_\_\_\_\_ 2016 UPON CONSIDERATION OF PLAINTIFF'S

MOTION FOR SUMMARY JUDGMENT IN FAVOR OF PLAINTIFF'S, IT IS HEREBY ORDERED THAT THE MOTION BE GRANTED.

BY THE COURT:

---

EDUARDO C. ROBRENO, J.

EXHIBIT  
3

NOTE: C/O SUBER ON G-2 WITH TO IM WORKERS DROPPING OFF COURT

meal

09/17/2013 04:23 MEAL WALTON\_S  
MEAL CALL  
COURT MEAL IN PROGRESS \*\*\*\*\*  
09/17/2013 04:44 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 04:45 OTHER WALTON\_S  
OTHER EVENT  
NOTE: C/O BOSTON ESCORTED COURTS TO R/R G-2 \*\*\*\*\*  
09/17/2013 04:49 RELEAS WALTON\_S  
INMATE RELEASED FROM UNIT  
560861 HINTON, ROBERT  
-1HINTON ROBERT CELL 10 PAYOFF HOUSE ARREST FROM G-2 TO R/R\*  
09/17/2013 04:50 CENSUS WALTON\_S  
CENSUS AND HEADCOUNT  
NEW CENSUS IS 97 \*\*\*\*\* 97 \*\*\*\*\*  
09/17/2013 04:50 CENSUS WALTON\_S  
CENSUS AND HEADCOUNT  
CENSUS 97 AND H/C 89 \*\*\*\*\* 8COURTS \*\*\*\*\*  
09/17/2013 05:21 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 06:13 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 06:32 OTHER WALTON\_S  
OTHER EVENT  
838689 VALDEZ, EDWIN  
NOTE: C/O BOSTON IS ESCORTING I/M VALDEZ EDWIN BACK TO G-1\*\*  
09/17/2013 06:49 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
FINAL TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 06:50 OTHER WALTON\_S  
OTHER EVENT  
NOTE: KEYS WAS TURNED IN TO AUX 5 OFFICER ROBERSON\*\*\*\*\*  
09/17/2013 06:51 CENSUS WALTON\_S  
CENSUS AND HEADCOUNT  
CLOSING CENSUS IS 97 AND H/C 89\*\*\*\*\* 8 COURTS \*\*\*\*\*  
09/17/2013 06:52 OTHER WALTON\_S  
OTHER EVENT  
CELL 14 SINK IS CLOGGED \*\*\*\*\*  
09/17/2013 06:53 OTHER WALTON\_S  
OTHER EVENT  
NOTE: CELLS 18 AND 19 TOILETS 0 ARE OVER FLOODING \*\*\*\*\*  
09/17/2013 06:56 OTHER WALTON\_S  
OTHER EVENT  
NOTE: WALKIE WAS TURNED IN TO AUX 5 OFFICER C/O ROBERSOMN\*\*\*  
09/17/2013 07:01 SIGNOF WALTON\_S  
SIGNOFF DUTY  
C/O WALTON OFF DUTY \*\*\*\*\*  
09/17/2013 07:05 SIGNON HULL\_TI  
SIGNON DUTY  
C/O T.HULL ON DUTY  
09/17/2013 07:05 OKTOUR HULL\_TI  
TOURED UNIT: APPEARS IN ORDER  
17-SEP-2013 07:05:15.40  
09/17/2013 07:09 SIGNON CAPORALE\_S  
SIGNON DUTY

EXHIBIT  
2

C/O CAPORALE ON DUTY, RECEIVED ONE KEY. \*\*\*\*\*

09/17/2013 07:10 ECHECK CAPORALE\_S  
EQUIPMENT CHECK  
POST ORDERS, LOGBOOK, PHONE, WALKIE, 2 EXTGS., SEC. CUT DOWN KIT.

09/17/2013 07:11 CENSUS CAPORALE\_S  
CENSUS AND HEADCOUNT  
STARTING CENSUS 97 \*\*\*\*\* HEADCOUNT 89 \*\*\*\*\* COURT 8 \*\*\*\*\*

09/17/2013 07:11 OTHER CAPORALE\_S  
OTHER EVENT  
NOTIFIED C/C AND AUX 5 WITH COUNTS. \*\*\*\*\*

09/17/2013 07:12 OTHER CAPORALE\_S  
OTHER EVENT  
NOTE: CELL#14 SINK CLOGGED & CELL#18&19 TOILET OVERFLOWING.

09/17/2013 07:22 OTHER CAPORALE\_S  
OTHER EVENT  
NOTIFIED MAINTENANCE, MR. LEWIS OF SINK & TOILET PROBLEMS.

09/17/2013 07:24 CENSUS CAPORALE\_S  
CENSUS AND HEADCOUNT  
PER C/C CENSUS & HEADCOUNT CENSUS & HEADCOUNT CLEARED. \*\*\*\*\*

09/17/2013 07:48 OKTOUR CAPORALE\_S  
TOURED UNIT: APPEARS IN ORDER  
UNIT TOURED, ALL APPEARS IN ORDER AT THIS TIME. \*\*\*\*\*

09/17/2013 07:51 OTHER CAPORALE\_S  
OTHER EVENT  
MAINT. MR. LEWIS SENDING WORKERS FOR CELL#14, 18 & 19. \*\*\*\*\*

09/17/2013 07:59 OTHER CAPORALE\_S  
OTHER EVENT  
PER C/C ALL YARDS ARE CLEAR AT THIS TIME. \*\*\*\*\*

09/17/2013 08:07 OTHER CAPORALE\_S  
OTHER EVENT  
PER CAPTAIN BATTESELLI UNIT G2 IS DOWN AT THIS TIME. \*\*\*\*\*

09/17/2013 08:08 FOOD CAPORALE\_S  
FOOD CART ARRIVED  
99 TRAYS, 7 LOAVES OF BREAD, BUTTER, & JUICE ON UNIT. \*\*\*\*\*

09/17/2013 08:13 MEAL CAPORALE\_S  
MEAL CALL  
MEAL BEING SERVED IN CELLS AT THIS TIME. \*\*\*\*\*

09/17/2013 08:24 MEAL CAPORALE\_S  
MEAL CALL  
MEAL COMPLETED AT THIS TIME. \*\*\*\*\*

09/17/2013 08:24 OKTOUR CAPORALE\_S  
TOURED UNIT: APPEARS IN ORDER  
UNIT TOURED DURING FEED IN ALL APPEARS IN ORDER. \*\*\*\*\*

09/17/2013 08:30 MEDICA HULL\_TI  
MEDICATION EVENT  
MEDICATION CALL

09/17/2013 08:35 MEDICA CAPORALE\_S  
MEDICATION EVENT  
4 I/M'S REFUSED: F WATSON#13, T SMITH#40, T MOORE#18, AND  
R Middleton #19. «

09/17/2013 08:41 MEDICA CAPORALE\_S  
MEDICATION EVENT  
MEDICATION IN PROGRESS. \*\*\*\*\*

09/17/2013 08:44 OTHER CAPORALE\_S  
OTHER EVENT  
MAJOR MAY ON TOUR OF AREA AT THIS TIME. \*\*\*\*\*

09/17/2013 08:49 SIGNOF HULL\_TI  
SIGNOFF DUTY  
C/O TI HULL DETAILED TO BUNIT AT THIS TIME. \*\*\*\*\*

09/17/2013 08:51 MEDICA CAPORALE\_S

*Exhibit*  
**3**

MEDICATION EVENT  
MEDICATION NOW TERMINATED. \*\*\*\*\*

09/17/2013 09:11 OTHER CAPORALE\_S  
OTHER EVENT  
899660 SAMS, STANLEY  
PLATO & GED PROGRAMS NOW IN PROGRESS: I/M S SAMS TO PLATO

09/17/2013 09:13 OTHER CAPORALE\_S  
OTHER EVENT  
3 I/M'S TO MS THOMPSON, SOC. WKR: A CUNNINGHAM #978345, WM.  
Mallory #988726 and C. Williams #956850.

09/17/2013 09:30 OTHER CAPORALE\_S  
OTHER EVENT  
3 I/M'S TO MENTAL HEALTH PER MR. EFFA; A TEJEDA #1025994,  
Billae Lewis #895814 and Willima Evans #741331

09/17/2013 09:46 OKTOUR CAPORALE\_S  
TOURED UNIT: APPEARS IN ORDER  
UNIT TOURED, ALL APPEARS IN ORDER \*\*\*\*\*

09/17/2013 09:46 OTHER CAPORALE\_S  
OTHER EVENT  
MAINT., MR KOHENKLEIN ON UNIT FOR FLOOD IN 18 & 19 CELLS \*\*\*

09/17/2013 10:03 OTHER CAPORALE\_S  
OTHER EVENT  
1111807 BASEMY, GABRIEL  
I/M GABRIEL BASEMY SENT TO GED TO TUTOR \*\*\*\*\*

09/17/2013 10:23 SUPVTO WOOD\_T  
SUPERVISOR'S TOUR  
SGT.WOOD IN AREA ON TOUR

09/17/2013 10:56 OTHER CAPORALE\_S  
OTHER EVENT  
CELLS #14,18 & 19 FIXED BY MR. KOHENKLEIN, CELLS 18 & 19  
being washed down by bleach and floors being washed & dried. \*\*\*\*\*

09/17/2013 10:57 OKTOUR CAPORALE\_S  
TOURED UNIT: APPEARS IN ORDER  
UNIT TOURED, ALL APPEARS IN ORDER AT THIS TIME \*\*\*\*\*

09/17/2013 11:01 OTHER CAPORALE\_S  
OTHER EVENT  
3 I/M'S RETURNED FROM MENTAL HEALTH. \*\*\*\*\*

09/17/2013 11:02 OTHER CAPORALE\_S  
OTHER EVENT  
3 I/M'S RETURNED FROM SOCIAL WORKERS OFFICE. \*\*\*\*\*

09/17/2013 11:03 OTHER CAPORALE\_S  
OTHER EVENT  
899660 SAMS, STANLEY  
1 I/M RETURNED FROM PLATO (S. SAMS) \*\*\*\*\*

09/17/2013 11:03 SICK CAPORALE\_S  
SICK CALL  
SICK CALL IN PROGRESS 10:20 TERMINATED 10:35. \*\*\*\*\*

09/17/2013 11:07 OTHER CAPORALE\_S  
OTHER EVENT  
I/M'S SENT TO VISITS: J FERNANDEZ #1082145, B LEWIS #895814  
and S. Davis #776222

09/17/2013 11:14 OTHER CAPORALE\_S  
OTHER EVENT  
TOILET TISSUE DISTRIBUTED TO EACH CELL AT THIS TIME. \*\*\*\*\*

09/17/2013 11:23 OTHER CAPORALE\_S  
OTHER EVENT  
1111807 BASEMY, GABRIEL  
I/M G. BASEMY RETURNED FROM GED CLASS \*\*\*\*\*

09/17/2013 11:29 SIGNON KHAN\_A  
SIGNON DUTY

## TROY LAMONT MOORE, SR.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">10</p> <p>1 Q. Do you have any education beyond your</p> <p>2 associates degree?</p> <p>3 A. No.</p> <p>4 Q. Did you have -- do you have any formal</p> <p>5 training after 2006, formal education?</p> <p>6 A. Some education with Chevrolet.</p> <p>7 Q. What did you do with Chevrolet?</p> <p>8 A. I was a consultant and sales agent for two</p> <p>9 major dealerships in Houston.</p> <p>10 Q. When was that?</p> <p>11 A. 2011 to 2012.</p> <p>12 Q. Are you married?</p> <p>13 A. No, I am not.</p> <p>14 Q. Do you have any children?</p> <p>15 A. Two.</p> <p>16 Q. What was your last employment prior to</p> <p>17 being incarcerated?</p> <p>18 A. I was a shift supervisor for an oil</p> <p>19 refinery in North Philadelphia.</p> <p>20 Q. What was -- who was your employer?</p> <p>21 A. Neats Foot Oil Refinery.</p> <p>22 Q. Can you spell that?</p> <p>23 A. N-E-A-T-S, F-O-O-T, Oil Refinery.</p> <p>24 Q. And can you give me your dates of</p>                                                                                               | <p style="text-align: right;">12</p> <p>1 that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And you pled guilty to robbery in 2014; is</p> <p>4 that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And you're currently serving a 10 to 20</p> <p>7 year sentence for that conviction?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Have you been convicted of any other crimes</p> <p>10 that we haven't talked about?</p> <p>11 A. No, just the robbery.</p> <p>12 Q. I want to talk to you to a little bit about</p> <p>13 your medical history.</p> <p>14 Do you -- did you have any health issues</p> <p>15 prior to September 16th, 2013?</p> <p>16 A. Yes.</p> <p>17 Q. What kind of health issues did you suffer</p> <p>18 from?</p> <p>19 A. I have a lower lumbar disability, which is</p> <p>20 mainly handled through the VA, Veterans</p> <p>21 Administration. I have CAD, which is coronary</p> <p>22 artery disease, which I am prescribed and take</p> <p>23 Nitrostat Tabs PRN. And also I have PTSD.</p> <p>24 Q. When were you first diagnosed with your</p> |
| <p style="text-align: right;">11</p> <p>1 employment at the oil refinery?</p> <p>2 A. I believe January of 2013 to July of 2013.</p> <p>3 Q. You were employed by the oil refinery when</p> <p>4 you were arrested?</p> <p>5 A. I just had resigned a week before.</p> <p>6 Q. I want to talk to you a little bit about</p> <p>7 your criminal history. My understanding is you were</p> <p>8 convicted of robbery in 2002 --</p> <p>9 A. Correct.</p> <p>10 Q. -- is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. How many years did you serve for that</p> <p>13 conviction?</p> <p>14 A. Nine years, nine months, 26 days, 23 hours,</p> <p>15 15 minutes, 20 seconds.</p> <p>16 Q. When were you released?</p> <p>17 A. I was released -- actually, I left the</p> <p>18 state system on prerelease in 2011.</p> <p>19 Q. Where did you serve the majority of your</p> <p>20 time for the 2002 conviction?</p> <p>21 A. At SCI Rockview.</p> <p>22 Q. How long did you spend at Rockview?</p> <p>23 A. Roughly seven and a half years.</p> <p>24 Q. And you were arrested again in 2013; is</p> | <p style="text-align: right;">13</p> <p>1 lower lumbar disability?</p> <p>2 A. My best estimation would be '97.</p> <p>3 Q. And you've suffered with lower lumbar</p> <p>4 issues ever since?</p> <p>5 A. Correct.</p> <p>6 Q. When were you first diagnosed with coronary</p> <p>7 artery disease?</p> <p>8 A. I would say '98.</p> <p>9 Q. And have you continued to suffer from</p> <p>10 coronary artery disease since 1998?</p> <p>11 A. Yes.</p> <p>12 Q. When were you diagnosed with PTSD?</p> <p>13 A. 2012.</p> <p>14 Q. Do you know what the PTSD stems from? Is</p> <p>15 it from a certain incident?</p> <p>16 A. Yes.</p> <p>17 Q. What happened?</p> <p>18 A. Actually, it's an assault that happened</p> <p>19 while I was in the military.</p> <p>20 Q. How long were you in the military?</p> <p>21 A. From 1990 to 1993.</p> <p>22 Q. And you were diagnosed with PTSD in 2012.</p> <p>23 Was there any kind of incident that triggered from</p> <p>24 the PTSD from the prior Army assault?</p>                                                     |



## TROY LAMONT MOORE, SR.

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| <p style="text-align: right;">14</p> <p>1 A. Actually, I was -- I was checked into a<br/> 2 mental institution --<br/> 3 Q. Was that in 2012?<br/> 4 A. -- slash hospital. That was in 2012.<br/> 5 Q. And what did they tell you at the hospital?<br/> 6 A. They went over my history, and at that time<br/> 7 they diagnosed me with PTSD.<br/> 8 Q. Has somebody told you that PTSD stems from<br/> 9 the assault in the Army when you were enlisted?<br/> 10 A. In the marine corp, yes.<br/> 11 Q. I'm sorry, the marine corp.<br/> 12 Who told you that?<br/> 13 A. A doctor at the hospital I was -- I was at.<br/> 14 Q. What hospital did you treat at?<br/> 15 A. That was -- I can't remember the hospital's<br/> 16 name offhand, but it is in my medical records.<br/> 17 Q. Do you have a copy of your medical records<br/> 18 from that hospitalization?<br/> 19 A. To my understanding, we are not, as<br/> 20 inmates, allowed to possess medical records while<br/> 21 we're incarcerated.<br/> 22 Q. I'm asking you whether you have access to<br/> 23 those records or not?<br/> 24 A. I don't have access to them, but they're</p>                                                                               | <p style="text-align: right;">16</p> <p>1 get the officer on duty to open the door so I could<br/> 2 get out of that situation and to no avail basically.<br/> 3 Q. Let me back up a little bit. It was not<br/> 4 the toilet in your cell that overflowed, it was the<br/> 5 toilet in the cell across from you; is that correct?<br/> 6 A. No. No. No. It was the toilet in my<br/> 7 cell. I was sitting across the room from the<br/> 8 toilet.<br/> 9 Q. Can you describe your cell as far as the<br/> 10 size of it?<br/> 11 A. I think basically most cells are about the<br/> 12 same, eight and a half feet by -- eight and a half<br/> 13 by 13. So I'm sitting on the opposite side of the<br/> 14 room from the toilet.<br/> 15 I just want to add that the burst out of<br/> 16 the toilet was so violent there was defecation four<br/> 17 feet high on the walls so...<br/> 18 Q. What do you mean by defecation?<br/> 19 A. Human waste, solid human waste.<br/> 20 Q. You were sitting on your footlocker near<br/> 21 the door to the cell; is that correct?<br/> 22 A. That is correct.<br/> 23 Q. And the toilet is on the other side of the<br/> 24 cell?</p> |
| <p style="text-align: right;">15</p> <p>1 here because the institution actually sent it to the<br/> 2 hospital to acquire those records.<br/> 3 Q. Understood.<br/> 4 Let's talk about the September 16th, 2013<br/> 5 incident. Can you describe that incident in your<br/> 6 own words?<br/> 7 A. Would you like me to go from start to end?<br/> 8 Q. Well, let's start with -- my understanding<br/> 9 is there was an overflowing toilet in your cell; is<br/> 10 that correct?<br/> 11 A. That is correct.<br/> 12 Q. What caused the overflowing toilet in your<br/> 13 cell?<br/> 14 A. I have absolutely no idea what caused it.<br/> 15 Basically that evening, approximately 23:15 hours, I<br/> 16 was sitting on a footlocker about to take off my<br/> 17 shoes and get prepared for bed. Across the room<br/> 18 from the toilet, the water in the toilet absolutely<br/> 19 exploded covering me in raw sewage.<br/> 20 My first instinct was to get to the sink to<br/> 21 wash it out of my eyes and my mouth. At that time I<br/> 22 also went through distress due to irregularities in<br/> 23 my heart beat, chest pains, shortness of breath.<br/> 24 Basically I banged on the door as long as I could to</p> | <p style="text-align: right;">17</p> <p>1 A. Correct. Not long ways, short ways.<br/> 2 Q. Did you have a roommate or a celly at the<br/> 3 time?<br/> 4 A. I did at the time. His name is<br/> 5 Mr. Bassamy.<br/> 6 Q. Can you spell that?<br/> 7 A. He was actually -- B-A-S-S-A-M-Y, first<br/> 8 name Gabriel.<br/> 9 Q. And this is cell number 18; is that<br/> 10 correct?<br/> 11 A. That is correct.<br/> 12 Q. And it was in the G2 unit at PICC?<br/> 13 A. That is correct.<br/> 14 Q. Was Mr. Bassamy in the cell when the toilet<br/> 15 exploded?<br/> 16 A. Yes, he was. He also was contaminated with<br/> 17 raw sewage. He was actually about to climb the<br/> 18 ladder to get on the top bunk. So we were pretty<br/> 19 much in the same proximity.<br/> 20 Q. Mr. Bassamy was not using the toilet at the<br/> 21 time; is that correct?<br/> 22 A. No. No one was using the toilet.<br/> 23 Q. Did you look at the toilet at any point in<br/> 24 the day prior to this incident?</p>                                                                                                                                                                    |



## TROY LAMONT MOORE, SR.

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| <p style="text-align: right;">18</p> <p>1 A. Yes, the toilet was working fine all day.</p> <p>2 Q. Did you observe anything in the toilet?</p> <p>3 A. I'm sorry?</p> <p>4 Q. Did you observe anything in the toilet that</p> <p>5 was obstructing the toilet?</p> <p>6 A. No, not at all.</p> <p>7 Q. So as you sit here today --</p> <p>8 A. I also would like to add --</p> <p>9 Q. As you sit here today you have no idea why</p> <p>10 the toilet exploded?</p> <p>11 A. No, I do not. But I'd also like to add</p> <p>12 that the cell directly next to ours overflowed also</p> <p>13 that same night. Throughout the night the toilet in</p> <p>14 my cell overflowed approximately every 10 minutes</p> <p>15 throughout the night until that next morning when</p> <p>16 they brought emergency maintenance people on the</p> <p>17 block.</p> <p>18 Q. The first time it overflowed was about</p> <p>19 11:15 p.m.; is that correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And it continued to overflow throughout the</p> <p>22 night; that's your testimony?</p> <p>23 A. Yes, sir.</p> <p>24 Q. What time in the morning did -- you said</p>                                                                                                                                     | <p style="text-align: right;">20</p> <p>1 like she couldn't hear me.</p> <p>2 At that point, because I was in distress, I</p> <p>3 had to actually lay down and try to calm myself down</p> <p>4 because of the chest pains. At that point my celly,</p> <p>5 Mr. Bassamy, continued to bang on the door to no</p> <p>6 avail. The door was not opened, but she did let the</p> <p>7 block worker out to clean and make sure that raw</p> <p>8 sewage didn't spread.</p> <p>9 And also the cell next to ours, she allowed</p> <p>10 those inmates to evacuate their cell, clean their</p> <p>11 cell and lock them back in, but we weren't allowed</p> <p>12 to.</p> <p>13 Q. When you say the block worker, I'm a little</p> <p>14 confused as to who that is. Is that someone from a</p> <p>15 different cell than yours?</p> <p>16 A. That is correct. He was on the same tier</p> <p>17 as me. His job on the block was to sweep, mop,</p> <p>18 clean showers during the day. So he's, I guess you</p> <p>19 would say, kind of like a trustee for the block.</p> <p>20 He's a long-term incarcerated inmate in the county.</p> <p>21 Q. And you said that he was mopping the area</p> <p>22 all night long?</p> <p>23 A. That is correct.</p> <p>24 Q. What time did he start mopping?</p> |
| <p style="text-align: right;">19</p> <p>1 repairmen came out to repair the toilet; is that</p> <p>2 right?</p> <p>3 A. I'm sorry, one repairman came in the</p> <p>4 morning. Our doors were actually opened at -- I</p> <p>5 believe at around 7 -- 07:30.</p> <p>6 But I'd also like to add that because of</p> <p>7 the constant overflowing all night, the correctional</p> <p>8 officer, her name was Walden, she actually allowed</p> <p>9 an inmate, a block worker, to come out of his cell.</p> <p>10 She posted him outside of my cell door all night</p> <p>11 just to mop so the raw sewage wouldn't go across the</p> <p>12 tier into other cells.</p> <p>13 Q. Who was that inmate?</p> <p>14 A. I don't have his name.</p> <p>15 Q. What time were you let out of your cell the</p> <p>16 next morning?</p> <p>17 A. I believe it was approximately 7:30.</p> <p>18 Q. Between the hours of 11:15 p.m. and 7:30</p> <p>19 a.m. the next day did you speak to any PCCC</p> <p>20 employees other than Correctional Officer Walden?</p> <p>21 A. No. The only person that I had contact</p> <p>22 with is Correctional Officer Walden. I continued to</p> <p>23 bang on the door for the first hour after the</p> <p>24 incident happened. She continued to walk by and act</p> | <p style="text-align: right;">21</p> <p>1 A. Approximately 10 minutes after the toilet</p> <p>2 exploded. She went down, she unlocked his door, he</p> <p>3 came out and got the equipment and basically</p> <p>4 squeegeed and mopped raw sewage into the drain</p> <p>5 system. And he did that all night to my knowledge.</p> <p>6 Q. At some point did you request medical</p> <p>7 attention?</p> <p>8 A. I asked Officer Walden -- at that point I</p> <p>9 was banging on the door letting her know that I</p> <p>10 needed medical attention. I was totally ignored.</p> <p>11 She never even spoke to me.</p> <p>12 Q. Do you know Officer Walden's first name?</p> <p>13 A. No, I do not. I'm assuming -- I believe we</p> <p>14 had a difference in opinion as far as when we met</p> <p>15 last time with the judge as to how to find Officer</p> <p>16 Walden. I believe that all officers are required to</p> <p>17 log in and out. So on that day during the overnight</p> <p>18 graveyard shift that's the only person who was</p> <p>19 there.</p> <p>20 Q. What time did you request medical attention</p> <p>21 for the first time?</p> <p>22 A. Right away.</p> <p>23 Q. So around 11:30?</p> <p>24 A. Yes.</p>                                                              |

## TROY LAMONT MOORE, SR.

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| <p style="text-align: right;">22</p> <p>1 Q. Did you write up a sick call request at<br/>2 some point?<br/>3 A. I actually did -- I believe over the next<br/>4 week I probably submitted six or seven sick call<br/>5 requests. After the last one I was told by a<br/>6 doctor, who normally does sick calls, that my sick<br/>7 call request would no longer be accepted.<br/>8 Q. What doctor was that?<br/>9 A. I have no idea of what her last name is. I<br/>10 believe she is of Indian decent.<br/>11 Q. Well, I'm looking at the attachments to<br/>12 your complaint. It looks like this sick call<br/>13 request that I'm looking at is labeled Exhibit 2A.<br/>14 Do you have a copy of your complaint there?<br/>15 A. Not in front of me.<br/>16 Q. Do you recall making a sick call request,<br/>17 and this one is dated September 17th, 2013? It says<br/>18 medical problem, be specific, you wrote shortness of<br/>19 breath, throwing up, diarrhea, rash, facial and arms<br/>20 due to exposure of raw sewage for several hours.<br/>21 Is that familiar to you?<br/>22 A. Yes, sir.<br/>23 Q. Do you recall writing up that sick call<br/>24 request?</p> | <p style="text-align: right;">24</p> <p>1 concur with that.<br/>2 Q. When did you start experiencing shortness<br/>3 of breath?<br/>4 A. During the incident.<br/>5 Q. How soon after the incident did you have<br/>6 shortness of breath?<br/>7 A. I would say when the chest pain started.<br/>8 Q. When did the chest pain start?<br/>9 A. Pretty much right after the incident<br/>10 happened while I was at the sink.<br/>11 Q. So maybe a few minutes afterwards, a few<br/>12 hours afterwards?<br/>13 A. A few minutes.<br/>14 Q. It also -- the sick call request also says<br/>15 that you were throwing up. When did you throw up?<br/>16 A. I threw up in the cell. And also I have<br/>17 periods of throwing up, vomiting days following.<br/>18 Q. When did you stop throwing up?<br/>19 A. It wasn't more than maybe four days.<br/>20 Q. You were throwing up for four days?<br/>21 A. Not constantly. Periods, yes.<br/>22 Q. So this incident happened on the night of<br/>23 the 16th. Is it your testimony that you threw up on<br/>24 the 16th, the night of the 16th, the 17th, the 18th</p>                  |
| <p style="text-align: right;">23</p> <p>1 A. Yes, sir.<br/>2 Q. The date on it, it has a 9, a dash and then<br/>3 something written and scribbled out and then a 17<br/>4 written over whatever was scribbled out.<br/>5 Do you know what was written prior to it<br/>6 being scribbled out and 17 being placed above it?<br/>7 A. To my knowledge there shouldn't be anything<br/>8 scribbled on it.<br/>9 Q. Okay. The date on it with the correction,<br/>10 whatever it was, is 9/17/2013. Is that the date<br/>11 that you wrote this sick call request and submitted<br/>12 it?<br/>13 A. I believe so, that would be the day after.<br/>14 Q. What time of day did you submit -- write it<br/>15 and submit it?<br/>16 A. I'm not sure what time of day it was.<br/>17 Q. Could you tell me whether it was the<br/>18 morning, the afternoon, the evening?<br/>19 A. I cannot give you a specific -- when it<br/>20 was.<br/>21 Q. That sick call request was your first sick<br/>22 call request that you prepared after this incident;<br/>23 is that correct?<br/>24 A. It happened on the 16th, yes, I would</p>                                                       | <p style="text-align: right;">25</p> <p>1 and the 19th?<br/>2 A. That is correct, sir.<br/>3 Q. When did you start experiencing diarrhea?<br/>4 A. I would say the night -- the night -- the<br/>5 evening of the 17th.<br/>6 Q. How long did you have diarrhea?<br/>7 A. I believe two days.<br/>8 Q. And you also said that you had a rash. Can<br/>9 you tell me about the rash?<br/>10 A. I had patches of rashes from my scalp all<br/>11 the way down my body, which the medical department<br/>12 examined.<br/>13 Q. Now, you kind of just said that you had<br/>14 rashes covering your body. Was that your entire<br/>15 body?<br/>16 A. Not the entire body, but in patches, yes.<br/>17 From my scalp all the way down including athlete's<br/>18 feet (sic), rash on my feet.<br/>19 Q. Did the -- did this incident cause you to<br/>20 have athlete's foot? Is that your understanding?<br/>21 A. I would say yes because I didn't have any<br/>22 foot fungus prior to this incident. My best<br/>23 assumption would be from actually standing in an<br/>24 inch of raw sewage is probably what caused that, not</p> |

7 (Pages 22 to 25)

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| <p style="text-align: right;">26</p> <p>1 to mention, I was soaked in it.</p> <p>2 Q. There was one inch of raw sewage in your</p> <p>3 cell?</p> <p>4 A. Exactly. What happens is, those cells --</p> <p>5 the layout of those cells, they're slanted. So if</p> <p>6 something overflows, the cell actually fills up</p> <p>7 about an inch before gravity will push anything out</p> <p>8 under the door. So it was about maybe an inch of</p> <p>9 raw sewage on the floor, which I was ordered to</p> <p>10 clean up the day after with no protective gear.</p> <p>11 Q. Did you follow that order and clean it up?</p> <p>12 A. I did. I followed that order. I actually</p> <p>13 cleaned the cell before they allowed me to take a</p> <p>14 shower to get the raw sewage clothes off of me.</p> <p>15 After that I was allowed to proceed to medical.</p> <p>16 Q. What time did you proceed to medical?</p> <p>17 A. I would assume it would be around 9</p> <p>18 o'clock.</p> <p>19 Q. 9 a.m. on September 17th you went to</p> <p>20 medical?</p> <p>21 A. That is correct, sir.</p> <p>22 Q. Can you tell me about your treatment at</p> <p>23 medical?</p> <p>24 A. Okay. I proceeded to medical. Once I got</p>                                                                  | <p style="text-align: right;">28</p> <p>1 Q. So if I understand you correctly, between</p> <p>2 September 17th, 2013 and November -- November 7th,</p> <p>3 2013 you did not see a medical professional at PICC?</p> <p>4 A. No, I did see a medical professional. It</p> <p>5 just wasn't in the medical department. From filling</p> <p>6 out the sick call slips they would call me over to</p> <p>7 the mini triage which is right outside the block.</p> <p>8 In those sessions describing the fungus on</p> <p>9 my feet, the rashes, the stomach problems, the</p> <p>10 violent vomiting, the severe headaches for I would</p> <p>11 say probably weeks, they treated me for those</p> <p>12 things.</p> <p>13 For the fungus they gave me fungal cream.</p> <p>14 For the violent vomiting they gave me antacids for</p> <p>15 my stomach. For the chronic headaches they gave me</p> <p>16 aspirin. Actually I saw someone, but it just wasn't</p> <p>17 in the medical department.</p> <p>18 Q. Was the person you saw at the medical</p> <p>19 triage, was that a nurse?</p> <p>20 A. I believe she was a doctor.</p> <p>21 Q. You saw a medical doctor?</p> <p>22 A. This is the same -- I'm sorry. This is the</p> <p>23 same person that told me my sick call requests would</p> <p>24 no longer be honored.</p> |
| <p style="text-align: right;">27</p> <p>1 there I let them know that I was in distress. I had</p> <p>2 chest pains, shortness of breath. I sat in the</p> <p>3 waiting room.</p> <p>4 Approximately 15 minutes later I was called</p> <p>5 to the next corridor where one of the defendants'</p> <p>6 nurse, RN McGrogan, came over to me. I explained to</p> <p>7 her that I had CAD. At that point I requested a</p> <p>8 Nitrostat Tab. She then proceeded to put a finger</p> <p>9 monitor on my finger and walked away from me.</p> <p>10 Approximately two minutes passed by, she</p> <p>11 came down, she took the finger monitor off. I asked</p> <p>12 her again for a Nitrostat Tab and her exact words</p> <p>13 were, you're wasting my time. And she ordered me</p> <p>14 back to the block.</p> <p>15 Q. Did you receive any other treatment while</p> <p>16 you were at medical other than what you just</p> <p>17 described?</p> <p>18 A. Absolutely none.</p> <p>19 Q. Did you return to medical at any point?</p> <p>20 A. The only time I went back to medical was</p> <p>21 right before I was being transferred upstate and</p> <p>22 that was for checking out purposes.</p> <p>23 Q. When were you transferred upstate?</p> <p>24 A. I believe November 11th of 2013.</p> | <p style="text-align: right;">29</p> <p>1 Q. Do you know who that person is?</p> <p>2 A. I do not know her name. She is of Indian</p> <p>3 decent.</p> <p>4 Q. And your understanding is that that's a</p> <p>5 medical doctor?</p> <p>6 A. Yes.</p> <p>7 Q. Did you receive any diagnoses from the</p> <p>8 doctor or the nurse that you saw?</p> <p>9 A. No, I did not, other than just saying that</p> <p>10 these are minor problems.</p> <p>11 Q. I'm going to move onto your grievances. Do</p> <p>12 you have a copy of your grievances that you filed?</p> <p>13 A. Not in front of me.</p> <p>14 Q. I'm looking at Exhibit Number 1 from your</p> <p>15 complaint. Attached is a grievance. The grievance</p> <p>16 is dated, September 17th, 2013.</p> <p>17 Do you recall submitting a grievance on</p> <p>18 September 17th, 2013?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Just to summarize the grievance, it appears</p> <p>21 to be involving the overflowing toilet in your cell.</p> <p>22 And you mentioned shortness of breath, vomiting,</p> <p>23 diarrhea, rash as a result of the overflowing</p> <p>24 toilet.</p>                                                                                                                                                                                          |

8 (Pages 26 to 29)



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| <p style="text-align: right;">30</p> <p>1 Are you familiar with that grievance?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Was that the first grievance you submitted</p> <p>4 following this incident?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Is this grievance grieving any particular</p> <p>7 employee at PICC?</p> <p>8 A. You're asking me if it's grieving any</p> <p>9 particular person?</p> <p>10 Q. Yes.</p> <p>11 A. I don't have the grievance in front of me.</p> <p>12 Q. Do you recall who this grievance was</p> <p>13 directed at, if anybody?</p> <p>14 A. I would venture to say that the issue</p> <p>15 started with CO Walden.</p> <p>16 Q. I'll represent to you that Correctional</p> <p>17 Officer Walden is not mentioned in this grievance.</p> <p>18 Nowhere in this grievance does her name appear.</p> <p>19 A. Okay.</p> <p>20 Q. Do you recall writing a grievance with</p> <p>21 Correctional Officer Walden's name?</p> <p>22 A. I believe I did. I just don't know which</p> <p>23 one.</p> <p>24 Q. I'm going to move onto the next page of the</p>                                                                                                                                                                                                                                                                  | <p style="text-align: right;">32</p> <p>1 be appealed in order to be reviewed by the</p> <p>2 superintendant at the next grievance level seeing</p> <p>3 that the initial grievance was not reviewed by a</p> <p>4 board.</p> <p>5 A. Okay. I believe in the rules and</p> <p>6 regulations of filing grievances, the grievance is</p> <p>7 supposed to be submitted to a board. That was not</p> <p>8 done. Also I asked for a procedural amendment so</p> <p>9 this doesn't happen again.</p> <p>10 There is absolutely nothing in place at</p> <p>11 that level at PICC to ensure that other inmates</p> <p>12 don't have to go through this.</p> <p>13 Q. Where is your procedural amendment? Is</p> <p>14 there a procedure proposed?</p> <p>15 A. No, I do -- what I was looking for was to</p> <p>16 come up with some common ground to submit a</p> <p>17 procedural amendment.</p> <p>18 Q. You never got to the stage of actually</p> <p>19 submitting one; is that correct?</p> <p>20 A. No, at every level the grievances were</p> <p>21 brushed off as -- there was no action taken.</p> <p>22 Q. There's a few parties in this lawsuit, and</p> <p>23 I'm going to talk to you about them in a little bit.</p> <p>24 You have sued Commissioner Giorla.</p> |
| <p style="text-align: right;">31</p> <p>1 Exhibit 1. It appears to be another grievance that</p> <p>2 you filed. It's dated October 4th, 2013.</p> <p>3 Can you explain to me why you submitted the</p> <p>4 second grievance? It talks about how the first</p> <p>5 grievance wasn't remedied. So can you explain that?</p> <p>6 A. Actually there was -- they never even</p> <p>7 answered the first grievance. There was no</p> <p>8 response.</p> <p>9 Q. Okay. This second grievance dated October</p> <p>10 4th, 2013, did you file this because you did not get</p> <p>11 a response to your first grievance?</p> <p>12 A. Would you care to read the grievance to me?</p> <p>13 Q. Sure. I declare or certify, verify or</p> <p>14 state under the penalty of perjury under the laws of</p> <p>15 the United States of America that the foregoing is</p> <p>16 true and correct. This is in reference to a</p> <p>17 previous grievance filed. The grievance was</p> <p>18 reviewed by Major Martin and only partially</p> <p>19 remedied.</p> <p>20 Part 1 of the action, requested medical</p> <p>21 needs was initiated. However, part 2, action</p> <p>22 requested procedural amendment to ensure no</p> <p>23 reoccurrence was inadequately addressed. I'm</p> <p>24 formally requesting that this continuation grievance</p> | <p style="text-align: right;">33</p> <p>1 Can you tell me about your interaction with</p> <p>2 Commissioner Giorla, if there was one?</p> <p>3 A. Okay. After all three grievance levels</p> <p>4 were pursued per the rules and regulations of</p> <p>5 submitting grievances in this process, I personally</p> <p>6 spoke to Commissioner Giorla about the situation.</p> <p>7 Absolutely no action was taken.</p> <p>8 Q. When did you speak with Commissioner</p> <p>9 Giorla?</p> <p>10 A. I believe three or four days after the</p> <p>11 incident occurred. He was actually at PICC and I</p> <p>12 spoke to him candidly. If need be, I guess it can</p> <p>13 -- the video can be retrieved because it was in shot</p> <p>14 of a camera. So...</p> <p>15 Q. Where did you speak with Mr. -- or</p> <p>16 Commissioner Giorla?</p> <p>17 A. On the G2 block.</p> <p>18 Q. What time was it when you spoke with him?</p> <p>19 A. I would say approximately 10:00 or 11:00 in</p> <p>20 the morning, a.m.</p> <p>21 Q. And it was either on September 19th or</p> <p>22 September 20th; is that correct?</p> <p>23 A. I believe so.</p> <p>24 Q. What did you say to Commissioner Giorla?</p>                                                                    |

## TROY LAMONT MOORE, SR.

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| <p style="text-align: right;">34</p> <p>1 A. I explained the entire situation that had<br/> 2 happened. I also explained that I had submitted<br/> 3 grievances trying to get some resolution. His<br/> 4 response to the whole conversation was that his<br/> 5 officers are to handle things at their level,<br/> 6 meaning it's not his concern.<br/> 7 Q. What did you ask Commissioner Giorla to do?<br/> 8 A. To look into the situation and hopefully<br/> 9 find a remedy.<br/> 10 Q. Did you propose a remedy to Commissioner<br/> 11 Giorla?<br/> 12 A. No, I did not.<br/> 13 Q. What exactly were you looking for him to<br/> 14 do?<br/> 15 A. To actually put something in place where<br/> 16 this type of incident doesn't have to happen again.<br/> 17 For one, he already stated that his guards are to<br/> 18 handle it at their leisure at that level.<br/> 19 My whole thing is, just when they had the<br/> 20 meeting in Major Martin's office, the first thing<br/> 21 she did when she found out about the situation, she<br/> 22 ordered one of her guards to pull the videotape<br/> 23 immediately. Okay.<br/> 24 Her first instinct was to let me know that</p> | <p style="text-align: right;">36</p> <p>1 Q. Was he in uniform?<br/> 2 A. No, he was not.<br/> 3 Q. I want to talk to you about Major Martin.<br/> 4 Can you tell me your interaction with Major Martin?<br/> 5 A. Basically at the second level of the<br/> 6 grievance system I was called to Major Martin's<br/> 7 office. To my understanding, she serves on the<br/> 8 grievance board at that level.<br/> 9 Once the correctional officer picked me up<br/> 10 from the block and escorted me to her office I went<br/> 11 inside. She asked me what the situation was. I<br/> 12 explained to her in great detail about the cell<br/> 13 overflowing, the toilet overflowing, not being able<br/> 14 to get medical attention that night until the next<br/> 15 morning, where I still didn't get medical attention,<br/> 16 the medical issues that were going on.<br/> 17 She, at that point, ordered the guard that<br/> 18 escorted me to go and remove the tape and preserve<br/> 19 the tape. She said she would look into things. I<br/> 20 never heard anything else at that level from her.<br/> 21 Q. When did you speak with Major Martin?<br/> 22 A. I don't recall what day it was.<br/> 23 Q. Do you know how many days after this<br/> 24 incident you spoke with Major Martin?</p> |
| <p style="text-align: right;">35</p> <p>1 at that time of night, after 23:00 hours the guard<br/> 2 can't open doors for anyone. But the video footage<br/> 3 obviously will contradict that. Because not one,<br/> 4 but two cells were open for cleaning purposes.<br/> 5 So everyone is given the same runaround<br/> 6 here. And I looked towards Commissioner Giorla to<br/> 7 rectify this situation so this type of thing doesn't<br/> 8 happen anymore. And he basically brushed it off.<br/> 9 Q. What does Commissioner Giorla look like?<br/> 10 A. He's quite heavysset. He's shorter than me.<br/> 11 I'm 6'3" and three-quarters. So he's approximately<br/> 12 -- I would say 5'9", very heavysset man.<br/> 13 Q. How old is he?<br/> 14 A. I would venture to say in his late 40s,<br/> 15 early 50s.<br/> 16 Q. What color is his hair?<br/> 17 A. That I don't remember.<br/> 18 Q. Does he wear glasses?<br/> 19 A. At that time I don't remember him having<br/> 20 glasses on.<br/> 21 Q. What was he wearing when you spoke with<br/> 22 him?<br/> 23 A. He was wearing a button up shirt, dress<br/> 24 shirt and slacks.</p>                                          | <p style="text-align: right;">37</p> <p>1 A. It may have been two to three weeks<br/> 2 afterwards.<br/> 3 Q. You first spoke with Major Martin two to<br/> 4 three weeks after this incident?<br/> 5 A. I believe so.<br/> 6 Q. So you spoke with Commissioner Giorla prior<br/> 7 to speaking with Major Martin?<br/> 8 A. That is correct.<br/> 9 Q. You had a meeting with Major Martin in her<br/> 10 office?<br/> 11 A. That is correct.<br/> 12 Q. Where is her office?<br/> 13 A. I couldn't give you a floor plan. I don't<br/> 14 -- that's my first time in PICC. So all I know is<br/> 15 how to get to the block, but I was escorted, so...<br/> 16 Q. Is Major Martin's office in PICC?<br/> 17 A. Yes, it is.<br/> 18 Q. You didn't have to go outside to get there?<br/> 19 A. No.<br/> 20 Q. You said that Major Martin told you she was<br/> 21 going to pull the video?<br/> 22 A. She instructed the escorting officer to<br/> 23 immediately pull and preserve the video.<br/> 24 Q. When you are referring to a video, what</p>                                                                                                                                                                                                                                                     |

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| <p style="text-align: right;">38</p> <p>1 video camera are you talking about?</p> <p>2 A. The video camera that is on G2 unit.</p> <p>3 Q. How many video cameras are on G2?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Did you see a video camera on G2?</p> <p>6 A. Yes.</p> <p>7 Q. How many video cameras did you see?</p> <p>8 A. I know of one. There's definitely one.</p> <p>9 Q. Where is the one that you know of? Where</p> <p>10 is that located on G2?</p> <p>11 A. The front half of the block.</p> <p>12 Q. So there's one video camera on the front</p> <p>13 half of the block that faces down the hallway of the</p> <p>14 cells; is that correct?</p> <p>15 A. It actually faces the front of the cells</p> <p>16 excluding the corridor, which is at the back of the</p> <p>17 block. So the video footage would absolutely,</p> <p>18 definitely show that I was banging on the door, that</p> <p>19 other inmates were let out, that my cell was</p> <p>20 overflowing all night, which is why it's imperative</p> <p>21 that I examine that evidence.</p> <p>22 Q. I think you referenced that you requested</p> <p>23 the video be preserved. When did you make a request</p> <p>24 that the video be preserved?</p>    | <p style="text-align: right;">40</p> <p>1 Correctional Officer Walden?</p> <p>2 A. She's an African American woman. I would</p> <p>3 put her taller than Major Martin. So she's probably</p> <p>4 about 5'9", 5'10". Probably early to mid 50s.</p> <p>5 She's a little bit older. Very thin build.</p> <p>6 Q. Who is Larry Rodriguez?</p> <p>7 A. Larry Rodriguez is another inmate who was</p> <p>8 incarcerated at the same time I was on G2. He</p> <p>9 actually -- several inmates actually witnessed the</p> <p>10 overflowing of the raw sewage coming from my cell</p> <p>11 out onto the tier.</p> <p>12 His cell was in proximity where he could</p> <p>13 see the front door of my cell. That is why I</p> <p>14 ascertained an affidavit from him.</p> <p>15 Q. Do you know what cell number he was in?</p> <p>16 A. Not cell number. I can't recall the</p> <p>17 number.</p> <p>18 Q. But you said he was across from you?</p> <p>19 A. Actually, it's on the upper tier. It's the</p> <p>20 last cell, which would be the closest to the CO's</p> <p>21 desk upstairs. So his --</p> <p>22 Q. Could he see inside your cell?</p> <p>23 A. Inside, I wouldn't say that, no. He could</p> <p>24 see -- he can see my window and he can see the</p>                                 |
| <p style="text-align: right;">39</p> <p>1 A. That -- at that meeting with Major Martin.</p> <p>2 Q. Was that requested in writing?</p> <p>3 A. No, it was not.</p> <p>4 Q. Do you have a copy of any requests you made</p> <p>5 to preserve the video of this incident?</p> <p>6 A. Absolutely not. It was verbal from me to</p> <p>7 her and it was verbal from her to her CO.</p> <p>8 Q. What does Major Martin look like?</p> <p>9 A. She's an African American woman. I would</p> <p>10 probably say in her late 40s, early 50s. Her office</p> <p>11 is very small. It's actually crowded by a desk that</p> <p>12 probably takes up most of the office.</p> <p>13 Q. Can you describe her build?</p> <p>14 A. She is shorter than me. I would probably</p> <p>15 say maybe 5'5, 5'6". Medium build. She's not</p> <p>16 heavysset and she's not thin.</p> <p>17 Q. I don't think you mentioned with</p> <p>18 Commissioner Giorla, what race is he?</p> <p>19 A. He's Caucasian.</p> <p>20 Q. Correctional Officer Walden, you talked</p> <p>21 already about when you came into contact with that</p> <p>22 officer. Is she a female officer?</p> <p>23 A. Yes, she is.</p> <p>24 Q. Can you give me a physical description of</p> | <p style="text-align: right;">41</p> <p>1 bottom of the door. But as far as visual, inside</p> <p>2 the cell, I wouldn't think so.</p> <p>3 Q. Did you talk to Mr. Rodriguez before he</p> <p>4 prepared this affidavit?</p> <p>5 A. I believe the only thing that I said to him</p> <p>6 was I would like to ascertain an affidavit from you,</p> <p>7 if you could write down exactly what you saw and</p> <p>8 what time it was, and that's what he did.</p> <p>9 Q. You didn't give Mr. Rodriguez any</p> <p>10 information before he prepared this affidavit?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Is Mr. Rodriguez a friend of yours?</p> <p>13 A. No. I had probably known him -- at that</p> <p>14 point I had probably known him maybe two weeks.</p> <p>15 Q. Is there a reason you asked Mr. Rodriguez</p> <p>16 to prepare an affidavit as opposed to someone else?</p> <p>17 A. Because of the position of his cell.</p> <p>18 Q. Because he was above your cell?</p> <p>19 A. Because he could see the front of my cell</p> <p>20 from his cell.</p> <p>21 Q. Who is Rodney Johnson?</p> <p>22 A. He's another gentleman who was incarcerated</p> <p>23 at the same time. He was living on G2 with me. His</p> <p>24 cell is actually on the lower tier across from my</p> |



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| <p style="text-align: right;">42</p> <p>1 cell.</p> <p>2 MR. SHOTLAND: The other attorney</p> <p>3 who is here might have a couple questions</p> <p>4 for you. I might have a couple after he's</p> <p>5 done. Thank you for your time and I'll let</p> <p>6 him go.</p> <p>7 THE WITNESS: Okay. Thank you.</p> <p>8 BY MR. FERRANTE:</p> <p>9 Q. Good afternoon, Mr. Moore. My name is</p> <p>10 Alexander --</p> <p>11 A. Good afternoon. How are you, sir?</p> <p>12 Q. I'm fine. Can you hear me okay?</p> <p>13 A. Actually, I can barely hear you. Hold on</p> <p>14 one second.</p> <p>15 Q. Mr. Moore, my name is Alexander Ferrante.</p> <p>16 I represent Nurse McGrogan and I have a few</p> <p>17 questions for you.</p> <p>18 What are all those documents you have in</p> <p>19 front of you?</p> <p>20 A. Actually, I have a presentation for the</p> <p>21 opening statement I gave. I also have some legal</p> <p>22 documentation, case law as to what can be done and</p> <p>23 what can't be done. And then I have several</p> <p>24 documents as far as what's been filed and what</p>                                                         | <p style="text-align: right;">44</p> <p>1 A. Yes, which I objected to.</p> <p>2 Q. And although you knew we were going to take</p> <p>3 it, you chose not to bring the copies of your</p> <p>4 grievances or a copy of your complaint?</p> <p>5 A. I wasn't instructed to bring those things.</p> <p>6 Q. Well, you weren't instructed to bring what</p> <p>7 you've brought with you today, you still brought</p> <p>8 them.</p> <p>9 A. Correct.</p> <p>10 Q. Did you -- do you have any personal notes</p> <p>11 at all about what took place on September 16th or</p> <p>12 the 17th?</p> <p>13 A. Personal notes?</p> <p>14 Q. Yes. Did you take down any notes, write</p> <p>15 anything down on paper?</p> <p>16 A. No.</p> <p>17 Q. Keep a diary at all?</p> <p>18 A. No, all I have is my original complaint.</p> <p>19 Q. Let's talk about the night of September</p> <p>20 16th. You said you were near the footlocker --</p> <p>21 sitting on the footlocker, there was an explosion,</p> <p>22 stuff comes all out of the toilet. I want to start</p> <p>23 from that moment. Okay?</p> <p>24 A. Yes, sir.</p> |
| <p style="text-align: right;">43</p> <p>1 hasn't. And also things from the medical department</p> <p>2 and denying me access to contact both counsel for</p> <p>3 the defendant.</p> <p>4 Q. Did you bring with you your complaint?</p> <p>5 A. No, I did not.</p> <p>6 Q. What legal documents did you bring then?</p> <p>7 A. The ones I just described to you.</p> <p>8 Q. You haven't described any to me.</p> <p>9 What legal documents are sitting in front</p> <p>10 of you?</p> <p>11 A. Okay. I have the order from the judge</p> <p>12 granting a motion to compel.</p> <p>13 Q. Excuse me, Mr. Moore --</p> <p>14 A. I have a notice of --</p> <p>15 Q. Mr. Moore, let's go back to that. Go back</p> <p>16 to that order. What's the date of that?</p> <p>17 A. Third day of December, 2013.</p> <p>18 Q. What else do you have?</p> <p>19 A. I have notice of deposition from you. I</p> <p>20 also have the video conference order. I have the</p> <p>21 first scheduling order and also the pretrial</p> <p>22 conference and hearing on my motion to the judge.</p> <p>23 Q. So you knew we were going to take your</p> <p>24 deposition today?</p> | <p style="text-align: right;">45</p> <p>1 Q. When did it stop coming out of the toilet?</p> <p>2 A. It didn't because it continuously</p> <p>3 overflowed. Every 10 minutes it would overflow.</p> <p>4 Q. That leads me to believe at one point it</p> <p>5 has to stop in order for it to continue?</p> <p>6 A. That is correct.</p> <p>7 Q. So when did it first stop?</p> <p>8 A. It overflowed for approximately 15 to 20</p> <p>9 seconds and then it would stop.</p> <p>10 Q. Now, during that first time, that 15 or 20</p> <p>11 seconds when it overflowed you were near your</p> <p>12 footlocker?</p> <p>13 A. Correct.</p> <p>14 Q. Now, after it stopped, did you clean</p> <p>15 yourself up?</p> <p>16 A. The only thing I did was I washed the raw</p> <p>17 sewage out of my face.</p> <p>18 Q. Did you wash your hands?</p> <p>19 A. I rinsed my hands.</p> <p>20 Q. Did you change clothing?</p> <p>21 A. No, I did not.</p> <p>22 Q. Well, it's September, it's in the prison,</p> <p>23 were you just wearing your boxers?</p> <p>24 A. Actually, I was about to get undressed for</p>                |

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| <p style="text-align: right;">46</p> <p>1 bed. I was sitting on the footlocker taking off my<br/>2 shoes when the toilet exploded. And at that time I<br/>3 only had one set of prison uniform and one pair of<br/>4 sheets. Might I add, I had to sleep on those soiled<br/>5 sheets for two days before I could get them changed.<br/>6 Q. Now, since you saw that the footlocker --<br/>7 I'm sorry, since you saw that the toilet exploded, I<br/>8 would imagine you kept your shoes on?<br/>9 A. Actually I did.<br/>10 Q. Now, did you keep them on for the rest of<br/>11 the evening until the early morning?<br/>12 A. No, I did not because the raw sewage had<br/>13 seeped down into the shoes.<br/>14 Q. Well, we talked about the first incident,<br/>15 there was a 15 second burst, it stopped. When did<br/>16 the next one happen?<br/>17 A. Approximately 10 minutes later.<br/>18 Q. How long did that last?<br/>19 A. About the same length in time, but granted<br/>20 when other toilets would flush on the upper tier,<br/>21 our toilet would overflow in between those intervals<br/>22 of 10 minutes.<br/>23 Q. So did you put anything over the toilet to<br/>24 stop it from overflowing?</p> | <p style="text-align: right;">48</p> <p>1 and needed medical attention.<br/>2 Q. After that didn't work, why didn't you just<br/>3 stay in the bed?<br/>4 A. I did.<br/>5 Q. So was there only one time you left the bed<br/>6 to go over to the cell door and try to get her<br/>7 attention?<br/>8 A. Once that incident happened I banged at the<br/>9 door. The banging lasted about maybe 45 minutes to<br/>10 no avail. After that I sat on my bunk in the bed<br/>11 covered in raw sewage, yes.<br/>12 Q. So we're talking about a time period from<br/>13 11:15 to about 7:30 in the morning, correct?<br/>14 A. That is correct.<br/>15 Q. During that entire time there was a period<br/>16 of 10 to 15 minutes that you tried to get someone's<br/>17 attention?<br/>18 A. I'm sorry, can you repeat the question?<br/>19 Q. Well, from 11:15 to 7:30 you told us that<br/>20 you were sitting on the bed except for about 10 to<br/>21 15 minutes where you were trying to get someone's<br/>22 attention at the door?<br/>23 A. That's incorrect.<br/>24 Q. What's incorrect about it?</p> |
| <p style="text-align: right;">47</p> <p>1 A. Absolutely not.<br/>2 Q. Did you put anything into the toilet to try<br/>3 to clog it up?<br/>4 A. Absolutely not.<br/>5 Q. Now, how many inches off the floor is the<br/>6 first bunk bed?<br/>7 A. I would estimate maybe a foot and a half,<br/>8 two feet.<br/>9 Q. So if someone is sitting on the first bunk<br/>10 bed you wouldn't be in the raw sewage?<br/>11 A. That's correct. You wouldn't be in the raw<br/>12 sewage.<br/>13 Q. Is there a reason why you didn't stay on<br/>14 the bed?<br/>15 A. Once the incident happened I was actually<br/>16 covered in sewage. So me laying down in bed, which<br/>17 I eventually did being in distress, I was still<br/>18 covered in raw sewage.<br/>19 Q. That's not my question.<br/>20 Why wouldn't you just stay in bed so your<br/>21 feet wouldn't be in it?<br/>22 A. The reason for that is because I was<br/>23 banging on the door trying to get CO Walden's<br/>24 attention to open the door because I was in distress</p>                                                                                                                                                                               | <p style="text-align: right;">49</p> <p>1 A. I stated that for 45 minutes I tried to get<br/>2 her attention at the door. After that time I sat in<br/>3 my bunk. The toilet overflowed every 10 minutes.<br/>4 Q. How long were you at the door total trying<br/>5 to get her attention?<br/>6 A. I was at the door for about 45 minutes and<br/>7 then my cellmate, Mr. Eassamy, took over.<br/>8 Q. Mr. Moore, what medications are you on<br/>9 today?<br/>10 A. I'm on an aspirin a day for my heart. I am<br/>11 on Nitrostat Tabs, which is Nitroglycerin, which is<br/>12 PRN for my CAD and I'm also on Risperdal.<br/>13 Q. Are you on Zantac at all?<br/>14 A. No.<br/>15 Q. What was the Zantac for?<br/>16 A. Zantac?<br/>17 Q. Yes.<br/>18 A. When was that administered?<br/>19 Q. Well, that was administered as soon as you<br/>20 got to the prison in July of 2013 and it continued.<br/>21 A. Do you know what that medication is for?<br/>22 Q. It's a mental health medication. Do you<br/>23 have a mental health problem?<br/>24 A. I do. I have PTSD. That medication was</p>   |

## TROY LAMONT MOORE, SR.

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| <p style="text-align: right;">54</p> <p>1 from a finger monitor. Because that's all the<br/> 2 entire medical visit consisted of.<br/> 3 Q. When you got down to medical they did an<br/> 4 exam on you and they found no shortness of breath.<br/> 5 Do you know what shortness of breath is?<br/> 6 A. Absolutely I do.<br/> 7 Q. Were you having shortness of breath at 9:00<br/> 8 or 9:30 a.m.?<br/> 9 A. I was.<br/> 10 Q. Were you having a rash at 9:00 or 9:30 a.m.<br/> 11 that morning?<br/> 12 A. At -- that morning the rash hadn't started<br/> 13 yet.<br/> 14 Q. Were you complaining of chest pain at 9:00<br/> 15 to 9:30 in the morning?<br/> 16 A. I was.<br/> 17 Q. Can you explain how you can have chest<br/> 18 pain, but have a normal oxygen rate and a normal<br/> 19 pulse rate?<br/> 20 A. No, I cannot.<br/> 21 Q. Were you vomiting that morning in the<br/> 22 medical department?<br/> 23 A. Not in the medical department, no. The<br/> 24 visit was very short.</p>                                                                                                                                                                                     | <p style="text-align: right;">56</p> <p>1 call slip every day.<br/> 2 Q. Well, do you remember going back?<br/> 3 A. I never went back to the medical<br/> 4 department. I went to the triage, which is right<br/> 5 out of the block.<br/> 6 Q. When was the next time you had any type of<br/> 7 medical treatment?<br/> 8 A. I believe the following day.<br/> 9 Q. And who treated you then?<br/> 10 A. The doctor on duty.<br/> 11 Q. By that time was your cell cleaned?<br/> 12 A. Yes, I was ordered to clean the cell before<br/> 13 I could even go to medical that day.<br/> 14 Q. So it had been cleaned by the time you left<br/> 15 at 9 o'clock?<br/> 16 A. That is correct.<br/> 17 Q. Any trouble cleaning the cell?<br/> 18 A. Just basically exposing myself further to<br/> 19 the raw sewage with no protective gear. To my<br/> 20 understanding, that prison officials are supposed to<br/> 21 have designated HAZMAT people to clean up bodily<br/> 22 fluids, which did not happen.<br/> 23 Q. But you had no trouble physically cleaning?<br/> 24 A. Sure there was trouble.</p> |
| <p style="text-align: right;">55</p> <p>1 Q. So in the medical department there was no<br/> 2 vomiting going on? No diarrhea?<br/> 3 A. No, I did not vomit.<br/> 4 Q. Any diarrhea in the medical department?<br/> 5 A. Not in the medical department, no.<br/> 6 Q. Any complaints of headaches in the medical<br/> 7 department?<br/> 8 A. Yes, I did tell her about the headaches.<br/> 9 And I also explained it was probably breathing the<br/> 10 raw sewage for over eight hours.<br/> 11 I do have a question. How can -- how is it<br/> 12 possible to determine oxygen in the blood with a<br/> 13 finger monitor?<br/> 14 Q. In your complaint you list a bunch of<br/> 15 things that -- a bunch of your injuries. It's on<br/> 16 page 3.<br/> 17 Do you realize that headaches was not one<br/> 18 of the things that you complained about?<br/> 19 A. It may not have been. I also have<br/> 20 something to add. If the headaches or the vomiting,<br/> 21 stomach problems weren't there, why was the medical<br/> 22 department prescribing medication to treat it?<br/> 23 Q. When did you go back to medical?<br/> 24 A. I was basically going -- dropping a sick</p> | <p style="text-align: right;">57</p> <p>1 Q. Did you have a mop?<br/> 2 A. No, I did it on my hands and knees.<br/> 3 Q. What about your roommate, did he do it on<br/> 4 his hands and knees too?<br/> 5 A. No. At 7:30, when they cracked the doors<br/> 6 to let us out, he was summoned on a path to<br/> 7 somewhere. So I had to do everything myself.<br/> 8 Q. Now, the next day you had some medical<br/> 9 treatment. And do you remember having your vital<br/> 10 signs taken that day?<br/> 11 A. No, I do not remember per se.<br/> 12 Q. You were complaining that your stomach was<br/> 13 upset.<br/> 14 A. Okay.<br/> 15 Q. Does that refresh your memory at all?<br/> 16 A. I believe my stomach was upset at that<br/> 17 point.<br/> 18 Q. They asked you if you have shortness of<br/> 19 breath and you said no --<br/> 20 A. The following day you're talking about?<br/> 21 Q. Yes.<br/> 22 A. You're talking about the 18th?<br/> 23 Q. I'm talking about the 18th. That's the<br/> 24 following day; isn't it?</p>                                                              |



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| <p style="text-align: right;">58</p> <p>1 A. It is the following day.</p> <p>2 Q. And you weren't complaining of shortness of</p> <p>3 breath then?</p> <p>4 A. Okay. If that's what it says, that's what</p> <p>5 it says.</p> <p>6 Q. Don't you remember -- you have no memory of</p> <p>7 the following day what your symptoms were?</p> <p>8 A. You're asking -- what you're doing is</p> <p>9 you're asking me to remember something from a year</p> <p>10 and a half ago to today. Is that what you're</p> <p>11 asking?</p> <p>12 Q. I'm asking what symptoms in this traumatic</p> <p>13 event in your life you were having the next day?</p> <p>14 A. Okay. I was having stomach problems. I</p> <p>15 was still vomiting. I was having diarrhea and</p> <p>16 severe headaches.</p> <p>17 Q. You weren't having chest pains, you weren't</p> <p>18 having shortness of breath?</p> <p>19 A. No. The next day, which was the 17th,</p> <p>20 which would be the day before, chest pains subsided</p> <p>21 that afternoon even though I was denied the</p> <p>22 Nitroglycerin.</p> <p>23 Q. The chest pain subsided on the afternoon of</p> <p>24 September 17th?</p>                                                                | <p style="text-align: right;">60</p> <p>1 A. Correct.</p> <p>2 Q. She didn't think medical care, other than</p> <p>3 what she did, was necessary. You have a difference</p> <p>4 of opinion?</p> <p>5 A. Correct.</p> <p>6 Q. And what's the basis of your difference?</p> <p>7 What more was it that you wanted her to do?</p> <p>8 A. For one, she was informed by me that I take</p> <p>9 Nitroglycerin. That was denied.</p> <p>10 Q. Well, you had no shortness of breath. She</p> <p>11 thought medically you didn't need it. There was no</p> <p>12 complaints of chest pains. There was no shortness</p> <p>13 of breath. Your oxygenation was normal. Your pulse</p> <p>14 rate was normal. Your blood pressure was normal.</p> <p>15 A. That's absolutely incorrect because I</p> <p>16 informed her of the chest pains. And like I stated</p> <p>17 for the record before, the only thing that was done</p> <p>18 by Nurse McGrogan while I was at medical was a</p> <p>19 finger monitor. Now if you can monitor --</p> <p>20 Q. What else did you want her to do?</p> <p>21 A. Administer medication that I'm allowed to</p> <p>22 have.</p> <p>23 Q. So you wanted medication? That's what</p> <p>24 you --</p> |
| <p style="text-align: right;">59</p> <p>1 A. 17th, correct.</p> <p>2 Q. When did you have any other medical</p> <p>3 treatment for any other reason -- for any reason by</p> <p>4 any provider?</p> <p>5 A. I was seen several days in a row for the</p> <p>6 athlete's foot, for the rashes. I was prescribed</p> <p>7 the antifungal cream. I was given Motrin for the</p> <p>8 headaches. I was given antacids for the stomach</p> <p>9 problems for several days after until I was informed</p> <p>10 by the doctor -- my sick call request would no</p> <p>11 longer be accepted.</p> <p>12 Q. You had a sick call and you were seen on</p> <p>13 September 23rd for your feet. You had another sick</p> <p>14 call and you were seen on March 23rd. You were</p> <p>15 discharged from this prison to Graterford on</p> <p>16 November -- it looks like November 13th.</p> <p>17 Does that correspond with your memory?</p> <p>18 A. Pretty much.</p> <p>19 Q. What is it you wanted Nurse McGrogan to do</p> <p>20 for you that morning?</p> <p>21 A. It's what she didn't do. She didn't</p> <p>22 provide me any medical care.</p> <p>23 Q. So you wanted her to provide you with</p> <p>24 medical care? That's what you wanted?</p> | <p style="text-align: right;">61</p> <p>1 A. Correct.</p> <p>2 Q. I thought you came down there to be</p> <p>3 examined and to be checked out to see what medical</p> <p>4 needs you had? Or did you just go down looking for</p> <p>5 medication?</p> <p>6 A. As I stated before, I informed the block</p> <p>7 officer that morning that I was having chest pains.</p> <p>8 That's the only way that you can get off of the</p> <p>9 block and considered an emergency.</p> <p>10 Q. Thank you.</p> <p>11 A. Thank you.</p> <p>12 MR. FERRANTE: I don't have any</p> <p>13 other questions for you.</p> <p>14 BY MR. SHOTLAND:</p> <p>15 Q. Mr. Moore, just very briefly, was there</p> <p>16 soap in your cell?</p> <p>17 A. I'm not sure whether there was soap in the</p> <p>18 cell or not.</p> <p>19 Q. You don't know whether there was soap in</p> <p>20 your cell?</p> <p>21 A. Yeah, because some days -- when soap is</p> <p>22 handed out, some days you may go through a period of</p> <p>23 two or three days without any soap before you get</p> <p>24 your renewal.</p>                                                                                                                                      |

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, JR.,  
Plaintiff

: Civil Action Number 14-3873

v.

CORRECTIONS OFFICERS Saajida Walton  
Defendant

DECLARATION BY PLAINTIFF TROY L. MOORE

I, Troy L. Moore, hereby declare under penalty of perjury and pursuant to 28 U.S.C. 1746, that the following is true and correct based upon my personal knowledge or from my review of records. Which I am willing and available to testify before a jury trial against defendant S. Walton.

1. On September 16, 2013, I was incarcerated at the Industrial Correctional Center 8301 State Road. Philadelphia, Pa 19136. At approximately 2315 hours, the toilet violently flowed every 20 minutes through out the night with feces and urine on the floor. At experiencing shortness of breath & chest pains along with vomiting. I reported it to defendant S. Walton who ignored my request to remove me out of cell 18 and I requested medical attention. After being covered in and subjected to breathing raw sewage in access of 8 hours. I was permitted to go to medical where I informed Rn. Mogrogon of chest pain. My Pulse was taken and I was ordered back to cell 18 being not fixed. The maintenance repair reports by staff named Mr. Lewis was assigned to my cell 18. I will be calling him and other staff maintenance to testify under subpoenas to support my claim along with Exhibit 1, Exhibit 2 & Exhibit 3.

CERTIFICATE OF SERVICE

I, Troy L. Moore, hereby certify that on 06-07-17 I caused to be served a true and correct copy the foregoing document titled Declaration by Plaintiff Troy L. Moore to support motion for summary judgment to the following:

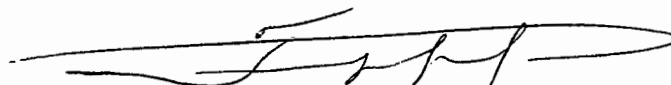
VIA U.S. MAIL:

SUBMITTED,

Defendant Attorney below:

BROCK ATKINS  
DIVISIONAL DEPUTY CITY SOLICITOR  
CITY OF PHILADELPHIA LAW DEPT.  
1515 ARCH STREET 14TH FLOOR  
PHILA, PA. 19102-1595  
16239

RESPECTFULLY



Troy L. Moore  
~~###~~MX-9664  
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